

Agenda Item No. 4a.

City of Wichita
City Council Meeting
September 28, 2004

Agenda Report No. 04-0945

TO: Mayor and City Council Members

SUBJECT: Petition to pave streets in Shadow Woods Addition (west of 135th Street West, north of Maple) (District V)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petition.

Background: On May 6, 2003, the City Council approved a Petition to pave streets in Shadow Woods Addition. An attempt to award a contract within the budget set by the petition was not successful. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

Analysis: The project will serve a new residential development located west of 135th Street West, north of Maple.

Financial Considerations: The existing Petition totals \$215,000. The new Petition totals \$245,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petition and adopt the amending Resolution.

Agenda Item No. 4b.

City of Wichita
City Council Meeting
September 28, 2004

Agenda Report No. 04-0946

TO: Mayor and City Council Members

SUBJECT: Petitions for Sanitary Sewer and Storm Water Drain improvements to serve part of The Plaza at Cherry Creek Hills Addition (east of Rock, north of Oak Knoll) (District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide sanitary sewer and drainage improvements to an undeveloped commercial area located east of Rock, north of Oak Knoll.

Financial Considerations: The Petitions total \$81,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions (hold for development).

Agenda Item No. 4c.

City of Wichita
City Council Meeting
September 28, 2004

Agenda Report No. 04-0947

TO: Mayor and City Council Members

SUBJECT: Petitions for Sanitary Sewer and Water Distribution System to serve part of Regency Lakes Commercial 2nd Addition (north of 21st, west of Greenwich)
(District II)

INITIATED BY: Department of Public Works

AGENDA: Consent

Recommendation: Approve the Petitions.

Background: The Petitions have been signed by one owner, representing 100% of the improvement districts.

Analysis: These projects will provide sanitary sewer and water service to a new commercial development located north of 21st, west of Greenwich.

Financial Considerations: The Petitions total \$210,000. The funding source is special assessments.

Legal Considerations: State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Recommendation/Action: It is recommended that the City Council approve the Petitions and adopt the Resolutions (hold for development).

Agenda Item No. 5.

City of Wichita
City Council Meeting
September 28, 2004
Agenda Report No. 04-0948

TO: Mayor and City Council

SUBJECT: Special Events

INITIATED BY: City Manager's Office

AGENDA: Consent

Recommendation: Approve the request for street closures.

Background: In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

Analysis: The following street closure requests have been submitted:

Kicks for Kids Walk/Run, Saturday, October 30, 7:00 am – 1:00 pm
§ Nims Street – Stackman to Murdock (traffic circle will not be closed completely, but will be blocked on the north & west
§ Stackman – from Nims to Murdock (near Gilman)
§ Remainder along Cowtown and on bike paths

Historic Midtown Fall Walking Tour, Sat. Oct 9, 11am – 5:00 pm to
Sun, Oct 10, 12:00 pm – 5:00 pm
§ Back Bay Blvd. From Waco to 9th

Annual Journey 2gether 8K Run & 2K Walk, Saturday, October 9th, 6:30 pm – 7:30 pm
§ 6:30 – 6:35 – Eastbound lanes of Douglas from Independent School to West Parkway
§ 6:35 – 8:00 – 1 eastbound lane of Douglas from Independent School to Linden
§ 6:30 – 8:00 – West Parkway from Douglas to Central
§ 6:30 – 8:00 – 1 eastbound lane of Central from West Parkway to Linden
§ 6:30 – 8:00 - West side of Linden from Central to Douglas
§ 6:30 – 8:00 – Douglas Parkway from Linden to East Parkway
§ 6:30 – 7:30 – East Parkway from Douglas Parkway to Sequoia
§ 6:30 – 7:30 – Laurel from Sequoia to Central Parkway
§ 6:30 – 7:30 – Central Parkway from Laurel to Linden
§ 6:30 – 7:30 – One lane of west side of Linden from Central Parkway to Sequoia

25th Annual KAKE-TV/Wichita Marathon Race, Sunday, October 17, 9:30 am – 2:00 pm
§ 9:45 – 2:00 – Far south lane of Douglas from I-135 to Mead
§ 9:45 – 2:00 – Mead from Douglas to 2nd
§ 10:00 – 2:00 – 2nd from Mead to parking garage exit on west side of plaza

Police security is arranged to remove blockades as necessary to allow emergency vehicle access during entire designated time period

Financial Consideration: Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Recommendation/Actions: It is recommended that the City Council approve the request subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3)

Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets.

Agenda Item No. 6a.

**City of Wichita
City Council Meeting
September 28, 2004**

Agenda Report No. 04-0949

TO: Mayor and City Council

SUBJECT: Equus Beds Recharge Project – U.S. Geological Survey Joint Funding Agreement

INITIATED BY: Water & Sewer Department

AGENDA: Consent

Recommendation: Approve the Joint Funding Agreement with U.S. Geological Survey for continued data collection and interpretation of the Equus Beds Aquifer Storage and Recovery Project.

Background: On September 9, 1997, City Council approved a Joint Funding Agreement with the United States Department of Interior, Geological Survey (USGS). The Agreement allowed the USGS to assist the City in collecting and analyzing water samples needed to monitor the success and effects of the Equus Beds Recharge Demonstration Project. On June 6, 2000, City Council approved an Agreement with the USGS that included analyzing water samples from the Index Well network that was established to help monitor the impact of the Aquifer Storage and Recovery Project. The Agreement covered fiscal years 2000-2005.

Analysis: Major components of the Aquifer Storage and Recovery Project are measuring the water quality in the Little Arkansas River, bank storage water, and the effects of using that water to recharge the Equus Beds Wellfield. The locations, frequencies and parameters measured during the sampling program have been developed in cooperation with the Kansas Department of Health and Environment, the Environmental Protection Agency, the Bureau of Reclamation and the Groundwater Management District. The USGS has played a significant role in providing water-quality information associated with this project.

Tasks included are:

1. Continuation of the groundwater level mapping program (begun in 1940) providing vital information about changes in groundwater levels and water storage capacity in the Equus Beds
2. Measuring groundwater quality in the Index Wells that have been established to observe water quality in the wellfield
3. Flow measurement and water sampling of four sites on the Little Arkansas River, periodic sampling and analysis of diversion water and recharge water used as part of Phase I of the Aquifer Storage and Recovery Project
4. Placing data obtained on a web site hosted and maintained by the USGS and
5. Preparation of technical reports that provide analysis of the data collected.

Major benefits of the program include providing information that can be used to design and operate facilities to the best advantage of the environment and the aquifer, and providing the regulatory agencies, as well as the public, the benefit of having accessible near real-time information from a reliable, impartial source to evaluate environmental impact and to minimize any negative impacts.

To implement this project in FY 2006, USGS is proposing that the Agreement be modified to terminate the project. The USGS will do most of the sampling and analysis, with the Water and Sewer Laboratory doing part of the analysis.

Financial Considerations: Total cost of the program will be \$5,560,200 over the six-year period starting in fiscal year 2005 through fiscal year 2010. The USGS has offered to fund 31 percent of program, leaving the City to fund 69 percent of the costs. Modifying the Agreement will reduce the City's participation by \$729,758. Funding for the City's share of the expenses will come from Water Supply Plan Phase III (CIP W-549) that has available funds of over \$7.6 million. Costs will be allocated as shown:

	FY05	FY06	FY07	FY08	FY09	FY10	TOTAL
Total Costs	\$838,600	\$871,000	\$906,700	\$943,000	\$980,400	\$1,019,700	
\$5,560,200 City Costs	\$578,600	\$601,800	\$626,700	\$648,000	\$675,400	\$	
704,700	\$3,835,200						
USGS Funds	\$260,000	\$270,000	\$280,000	\$295,000	\$305,000	\$	315,000
\$1,725,000							

Legal Considerations: City Council authorization is required for Agreements of \$10,000 or more. The Law Department has approved the Joint Funding Agreement and the Amendment to Joint Funding Agreement as to form.

Recommendations/Actions: It is recommended that City Council: 1) approve the Joint Funding Agreement; 2) approve the Amendment to Joint Funding Agreement; and 3) authorize the necessary signatures.

Agenda Item No. 6b.

CITY OF WICHITA
City Council Meeting
September 28, 2004

Agenda Report No. 04-0950

TO: Mayor and City Council Members

SUBJECT: Contract for Consultant Services for Acquisition and Relocation: Cowskin Creek Channel Improvements: Kellogg to Maple (District V).

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the contract.

Background: The planned flood protection project on the Cowskin Creek between Kellogg Avenue and Maple Street will require the acquisition of nine tracts. Due to project funding sources, these tracts require acquisition and relocation pursuant to the Uniform Relocation Assistance and Property Acquisition Act. The tracts include both residential and commercial properties.

Analysis: Proposals to provide acquisition and relocation services were solicited from qualified firms. Grubb & Ellis/Martens Commercial Group LLC was selected from among the proposals by the review committee based on qualifications and the lowest cost. Based on their proposal, it is estimated that \$17,500 will be sufficient to complete the assignment.

Financial Considerations: Funding is available within the project budget to fund the proposed increase. Project costs will be funded with general obligation bonds.

Legal considerations: The Law Department has approved the contract as to form.

Recommendation/Action: It is recommended that the City Council approve the contract and authorize all the necessary signatures.

Agenda Item No. 6c.

City of Wichita
City Council Meeting
September 28, 2004

Agenda Report No. 04-0951

TO: Mayor and City Council

SUBJECT: Blind and Physically Handicapped (Talking Books)
Contract

INITIATED BY: Library

AGENDA: Consent

Recommendation: Approve the contract and budget.

Background: The Wichita Public Library is one of six agencies that deliver library service to blind and physically handicapped residents of Kansas through contracts with the Kansas State Library. The Wichita site delivers service to eligible customers from all of Sedgwick County and fifteen counties in Southeast Kansas. Although Wichita's participation as a contracting agency has been in place for many years, annual contracts renewing the relationship with the State Library are required because federal funds are included in the contract payment.

Analysis: Wichita's ability to house a sub-regional library for the blind and physically handicapped allows the Library to enhance service to customers with special needs. While most users of this service must rely on toll-free phone and mail access to the library service, Wichita's customers have the added benefit of receiving walk-in service from Wichita's Central branch library. Senior centers, retirement and nursing homes, special education centers and other agencies also benefit from having the sub-regional staff available locally to promote and/or present training about this program. The contract and budget were reviewed and endorsed by the Library Board of Directors during their September 21, 2004 meeting.

Financial Considerations: The grant includes a base payment with supplemental funds divided by the share of the statewide service delivery. No local match is required. The Wichita contract for the 2004-2005 year will be \$113,988, an increase of 4.5% from the previous year. The budget will be enhanced by an additional \$2,143 in funding from the South Central Kansas Library System.

Legal Considerations: The contract has been reviewed and approved by Law Department staff.

Recommendation/Action: It is recommended that the City Council approve the 2004-2005 Talking Books Service contract and budget and authorize the necessary signatures.

Agenda Item No. 7.

CITY OF WICHITA
City Council Meeting
September 28, 2004

Agenda Report No. 04-0952

TO: Mayor and City Council Members

SUBJECT: Acquisition of Portions of the Abandoned Union Pacific Rail Corridor for the Midtown Greenway (District VI)

INITIATED BY: Office of Property Management

AGENDA: Consent

Recommendation: Approve the acquisitions.

Background: In 1999, the Union Pacific Railroad abandoned the rail corridor that runs from Central Avenue and Wichita Street to Broadway and 15th Street North. Through this abandonment, rights to the corridor reverted to the adjacent property owners on both sides. The City has reviewed the former corridor and decided that it could be utilized to develop a greenway/lineal park connecting Horace Mann, Irving and Park Schools and the bicycle path on Central. In April 2002, the City Council approved \$74,000 in CDBG funding to acquire portions of the abandoned Union Pacific corridor from Central to 15th Street from adjacent property owners.

Analysis: Due to their size and configuration, the tracts being acquired are not developable by themselves. The majority of the tracts abut developed properties but lie outside the fenced, defined boundaries of the properties. The purchase price of similar tracts was reviewed to estimate market value. These amounts were offered to the adjacent property owners with several accepting the offers. The attached contracts represent two tracts with a total value of \$1,500.

Financial Considerations: A budget of \$1,600 is requested, consisting of \$1,500 for acquisition and \$100 for recording fees. The funding source is previously approved CDBG funds.

Legal Considerations: The Law Department has approved the contracts as to form.

Recommendation/Action: It is recommended that the City Council; 1) Approve the Budget; 2) Approve the Real Estate Purchase Contracts; and 3) Authorize all necessary signatures.

Agenda Item No. 8.

City of Wichita
City Council Meeting
September 28, 2004

Agenda Report No. 04-0953

TO: Mayor and City Council
SUBJECT: Deed of Correction (SURGICARE OF WICHITA, INC.) (District I)
INITIATED BY: Law Department
AGENDA: Consent

Recommendation: Adopt the Resolution approving the Deed of Correction and authorizing necessary signatures.

Background: In 1973 and 1978, the Wichita City Council approved the issuance of two Series of Industrial Revenue Bonds, in aggregate principal amount of \$751,000, to finance a medical facility for the performance of minor surgical procedures (the "Project"), located on the corner of Lorraine and Murdock Streets in Wichita. In 1984, the City approve the assignment of the Project leases from Minor Surgery Center of Wichita, Inc., to Medical Care of Wichita, Inc., as successor Tenant. Medical Care of Wichita, Inc., changed its name to SURGICARE OF WICHITA, INC., in 1985, and the original tenant entity dissolved in 1987.

In 1992, following the retirement of the Bonds, the City erroneously executed a deed of conveyance in the name of the dissolved entity, Minor Surgery Center of Wichita, Inc. This deed was recorded, and title to the Project still shows of record in the name of the dissolved entity. The conveyance should have been drawn in the name of SURGICARE OF WICHITA, INC., the proper grantee (i.e., the entity holding the right to take title under the purchase option in the Project leases). SURGICARE OF WICHITA, INC., has requested that the City execute and deliver a Deed of Correction in its favor, to correct the error in the 1992 deed.

Analysis: Consistent with its obligations under the Bond leases, the City should execute and deliver the requested Deed of Correction, to complete the conveyance of the property to SURGICARE OF WICHITA, INC.

Financial Considerations: The purchase price and other consideration provided for under the Bond leases were provided by the tenant in 1992, so that no additional payment is due from SURGICARE OF WICHITA, INC. to complete the corrected conveyance.

Legal Considerations: It is appropriate for the City to convey the Project property to SURGICARE OF WICHITA, INC. by execution and delivery of the Deed of Correction. The City Attorney's Office has approved the form of the attached Resolution to authorize such execution and delivery.

Recommendations/Actions: It is recommended that City Council adopt the Resolution approving the Deed of Correction and authorizing necessary signatures.

Agenda Item No. 9.

City of Wichita
City Council Meeting
September 28, 2004

Agenda Report No. 04-0954

TO: Mayor and City Council

SUBJECT: Water Walk Area Phase II Environmental Site Assessment

INITIATED BY: Department of Environmental Health
Department of Public Works

AGENDA: Consent

Recommendation: Approve the application for Kansas Department of Health and Environment (KDHE) funding.

Background: A Phase I environmental site assessment of the Water Walk development area, has indicated the need for a more in depth study. The Phase I assessment consisted of review of prior sampling data and examination of previous land use for the probability for contamination. The City's consultant has recommended a Phase II assessment, consisting of site-specific sampling to determine the presence or absence of soil or groundwater contamination. Such an investigation is a routine exercise of due diligence. The Kansas Department of Health and Environment administers a brownfield program that would pay the cost of the study, estimated at between \$12,000 and \$15,000.

Analysis: Use of the KDHE program would not only save the City \$12,000 to \$15,000 in investigation costs, but would also allow the Phase II assessment to be completed in a more timely manner. Application for KDHE funding can be completed by Public Works and Environmental Health staff, and requires only City Council approval.

Financial Considerations: There is no cost to the City; KDHE will conduct and fund the study.

Legal Considerations: The Department of Law will review the application prior to submission.

Recommendations/Actions: It is recommended that the Council approve the application for KDHE funding of the Phase II investigation, and authorize staff to proceed with the project.

Agenda Item No. 10.

City of Wichita
City Council Meeting
September 28, 2004

Agenda Report No. 04-0944b

TO: Mayor and City Council

SUBJECT: Transfer of Funds to Ice Rink Management Fund

INITIATED BY: Finance Department

AGENDA: Consent

Recommendation: Approve the transfer of funds.

Background: Over the past several years, attendance at the Wichita Ice Sports Center has declined, particularly in the area of public skating. Funds available for the payment of ice rink operations has slowly diminished, to the point that it is now necessary to transfer funds to the Ice Rink Management Fund in order to pay past due bills for vendors due to the short term cash flow the facility has been experiencing for the past several months.

Analysis: Under the terms of the Ice Rink Management Agreement, all revenues received by Canlan Ice Sports in connection with the Wichita Ice Sports Center are considered funds of the City of Wichita and are deposited daily in the City's bank account and credited to the Ice Rink Management Fund. All expenses of any kind incurred by the operation of the Ice Sports Center are likewise expenses of the City of Wichita and are paid from funds accumulating in the Ice Rink Management Fund.

Canlan pays current operating expenses and submits invoices and proof of payment to the City for reimbursement.

Canlan has submitted to the City of Wichita for the past few months several invoices for reimbursement of utility expenses, payroll reimbursement, and other vendor expenses that they have incurred. As of October 1, 2004 Ice Sports will have \$16,838.98 in outstanding or past due vendor invoices that have local or Wichita billing addresses. They will have \$27,644.54 in outstanding or past due vendor invoices that have non-local billing addresses for a total of \$44,483.52 in outstanding or past due vendor invoices.

Canlan is entitled to a management fee of 5% of gross revenue, payable solely from operating profits. Canlan's management fee accrues during months when operating expenses exceed revenues. To date, Canlan's management fee accrual amounts to approximately \$70,000, which has not been paid.

Financial Considerations: To ensure there are adequate funds in the Ice Rink Management Fund to pay expenses and based on Canlan's cash flow analysis, staff recommends the transfer of \$16,838.98 dollars to the Ice Rink Management Fund from the general fund appropriated reserves. This amount will be added to the \$100,000 working capital deposit that was initially made in 1996.

Legal Considerations: The Project Development and Management Agreement between the City and Canlan Ice Sports, as amended, provides that upon the request of Canlan, the City shall deposit funds in the Ice Rink Management Fund if needed to ensure that adequate funds are available to pay operating expenses in a timely manner, subject to the Cash Basis Law. City Council approval will ensure compliance with the Cash Basis Law and the City's policy requiring Council approval of contractual payments in excess of \$10,000.

Recommendations/Actions: It is recommended that the City Council approve the transfer of \$16,838.98 from the General Fund Reserves to the Ice Rink Management Fund to pay the outstanding or past due vendor invoices that have local or Wichita billing addresses. It is also recommended that City Council consider the transfer of an additional \$27,644.54 from the General Fund Reserves to the Ice Rink management Fund to pay outstanding or past due vendor invoices that have non-local billing addresses.